

PATENT

REMARKS**DISCUSSION OF SPECIFICATION**

In response to the objection that the specification fails to provide proper antecedent basis for claimed subject matter, the specification has been amended to state that the bypass capacitor is a "high frequency filter". In particular, on page 17, line 4, --and further provide high frequency filtering-- has been added. No new matter has been added because one skilled in the art is able to determine that the bypass capacitors are high frequency filters in accordance with Figure 3 and page 14, line 24 through page 18, line 25 of the specification. Accordingly, it is respectfully requested that the objection to specification be withdrawn.

DISCUSSION OF CLAIMS

In the Office Action, claims 1-6, 8-15, 17-22, and 24-27 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

In the Office Action, claims 1 and 20 are rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over U.S. Patent Number 5,620,464 to Kroll.

In the Office Action, claims 2-6, 10-15, 19, 21, 22, 24, and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Number 5,620,464 to Kroll.

In the Office Action, claims 7 and 16 are allowed over the prior art of record.

In response thereto, claims 1, 11, and 20 have been amended and new claims 28-30 have been added. Accordingly, claims 1-22 and 24-30 are now pending. Following is a discussion of the patentability of each of the pending claims.

Preliminary Matter

It is respectfully submitted that the rejections of claims 1-6, 8-15, 17-22, and 24-27 under 35 U.S.C. §112, first paragraph, be withdrawn because the specification has been amended to describe that the bypass capacitor is a high frequency filter.

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Independent Claim 1

Claim 1 recites an implantable medical device comprising an implantable delivery device, a battery, a converter, and a controller. The converter is coupled to the battery and to the implantable delivery device wherein the converter comprises at least one bypass capacitor and a switching network. The at least one bypass capacitor is selectively connected to the battery via the switching network, and the at least one bypass capacitor has a capacitance in the range of about 20-50 microfarads.

The Kroll et al. reference does not disclose or suggest a circuit having a bypass capacitor with a capacitance in the range of about 20-50 microfarads. In the Kroll et al. reference, element 74 is a storage capacitor which provides stored energy to rapidly charge a main energy delivery capacitor. The storage capacity of element 74 is many orders of magnitude larger than 20-50 microfarads. For example, element 74 has a capacitance rating of 1.5 farads.

Accordingly, it is respectfully submitted that claim 1 is in condition for allowance.

Dependent Claims 2-6, 8-10, 26, and 28

Claims 2-6, 8-10, 26, and 28 depend from claim 1 and are similarly patentable. Accordingly, it is respectfully submitted that these claims are in condition for allowance.

Independent Claim 7

In the Office Action, claim 7 is allowed over the prior art of record.

Independent Claim 11

For at least the same reasons discussed previously with regards to claim 1, it is respectfully submitted that claim 11 is in condition for allowance.

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Dependent Claims 12-15, 17-19, 27, and 29

Claims 12-15, 17-19, 27, and 29 depend from claim 11 and are similarly patentable. Accordingly, it is respectfully submitted that these claims are in condition for allowance.

Independent Claim 16

In the Office Action, claim 16 is allowed over the prior art of record.

Independent Claim 20

For at least the same reason discussed previously with regards to claim 1, it is respectfully submitted that claim 20 is in condition for allowance.

Dependent Claims 21, 22, 24, 25, and 30

Claims 21, 22, 24, 25, and 30 depend from claim 20 and are similarly patentable. Accordingly, it is respectfully submitted that these claims are in condition for allowance.

CONCLUSION

In light of the above claim amendments and remarks, it is respectfully submitted that the application is in condition for allowance, and an early notice of allowance is requested.

Respectfully submitted,

2/14/05

Date

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